Quid Novi

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In This Issue...

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

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Contributions should preferably be submitted as a .doc attachment. All anonymous submissions will be rejected.

Editor's Note

It was supposed to make our lives easier - give us more leisure time, free us from the bondage of inefficient drudgery, and generally lead us to a state of utopic existence.

Instead, we get computers that refuse to boot up, warnings that your laptop battery may melt your computer (thanks for the message, Ron!) and different versions of software that, like recalcitrant two year olds, refuse to play nicely with each other. The very existence of this week's Quid is a miracle for which I humbly thank our new age gods, tech support.

I despair of our existence in the information age. There is nothing worse that information technologies that don't work. Except, maybe, when they do work.

With laptops becoming de rigeur in classes, and wireless access nearly everywhere, the demands for our attention - and opportunities to give it - are endless. Why listen to the lecture - or, better yet, another question from Mr. 'Yes, Professor, but...' - when you can check your e-mail, book your next trip home, MSN your friend in the front row, or even download the course notes from WebCT? Technology has made me incapable of unitasking. I watch TV while checking my e-mail and organizing my music files, editing my paper and researching sources.

It's enough to make you want to join a cloister. Or, better yet, look up all the recruiting convents on the internet...and while I'm at it, check to see if my battery really will melt my computer, and....

L.M.

Biting My Tongue- Unsuccessfully

by Sean Hutchman (Law II)

While my fellow students are undoubtedly sitting at their desks studying, perhaps taking a moment to stare out the window wistfully contemplating the end of yet one more weekend, I sit here at my computer with nothing bettter to do than pick apart things better left alone. The other week I was sitting in my second-year Legal Methodology tutorial when I was suddenly overcome by the urge to scream at my classmates. Luckily years of (over)effective socialisation stymied this admittedly uncivilised impulse. Instead I present you with this mild-mannered diatribe.

You see, on the agenda for that tutorial was a set of two readings, one on the purpose of law school and the other on the ethics of lawyering. At the risk of revealing quite how nerdy I am, I must admit I was keen to discuss the purpose of law school. After all, the assigned article evoked quite well how we can become jaded about the moral significance of a "life in the law," and the question "what the hell am I doing here?" is the basis – I am told – for not infrequent existential crises amongst students at the faculty. To my surprise, when the time came to discuss the readings no one else seemed at all interested in discussion. I don't write this to shame those who didn't do the reading, since I myself very impractically decided that day to forego JICP readings which were arguably much more "practical." I simply find it telling that no one who I spoke to bothered to do the readings. Perhaps I have things all wrong. It is quite possible that everyone else is putting off high-sounding rhetoric for when they are lawyers and actually have influence over the powers that be. In the meantime our job may be to simply work our way through the system as quickly as possible, with any luck garnering a bit of praise from the scant supply on offer.

As I sat down to write I wondered what my point was. To rail against the Faculty for its socially conservative curriculum or its assembly-line method of evaluation? If my point were that unoriginal there wouldn't be any purpose submitting to the Quid. What occurred to me is that a faculty of law is only as "progressive" as its student body. If we are all so quick to see through the formalist's view of law as an apolitical undertaking in which judges merely interpret law and never themselves make it, why are we so willing to accept that as law students we are passive recipients of an education that is somehow immutable? Are we not betraying any possibility for a reimagining of the law when we don't even take the chance handed to us by our professors to have a meaningful debate about our role as students of the law?

As I contemplate how pompous this all sounds, I have decided to finish on a related point more bombastic than the first. The second article I mentioned above, which also went largely unnoticed, dealt with two ways of conceiving of the lawyer's ethical responsibility – on the one hand "aretaic" (a self-imposed sense of virtue) and on the other "deontological" (an externally imposed code of ethics). It struck me after my barely suppressed bout of rage in class that the whole question of which sort of ethics was "better" was a moot point when no one even gets around to talking about ethics in the first place. ■

Want a discount on coffee?

Some campus cafés offer a discount if you bring a mug.

Pino & Matteo are considering the idea – bring a mug and start asking!

Envirotip brought to you by: ELM

Rule of Law Rhetoric at the World Bank

by Mira Novek (Law II)

Rule of law rhetoric, as Frank Upham observes in "Mythmaking in the Rule of Law Orthodoxy," has for some time dominated development discourse. Upham dates its ascension to the late 1980s when the World Bank's legal staff, concerned about the harmful effect of governmental corruption on the success of loans to developing countries but prohibited by the World Bank's Articles of Agreement from making politics a lending criterion, began to draft memoranda calling for a greater emphasis on good governance. Good governance, they argued, had nothing to do with politics and everything to do with what they judged to be the apolitical values of order and stability; its essential feature was the rule of law. The idea gathered steam and, within a few years, the link between the rule of law and sustainable economic growth seemed commonsensical. Developing countries are now actively encouraged (some would say pressured) by the World Bank, among other institutions of the developed world, to adopt reforms meant to establish or reinforce the rule of law.

Many commentators, among them Upham, rightly question the wisdom of trying to transplant a Western understanding of formal law into developing countries without regard to cultural and political context. They point out that rule of law reform often harms existing and effective informal mechanisms for dispute settlement. Upham goes even further and argues that the rule of law is not an accurate predictor of economic success in any part of the world. He attempts to undermine the World Bank's basic formula by demonstrating that two First World countries celebrated for their robust economies, the US and postwar Japan, do not themselves exemplify the rule of law ideal.

A legal order that is faithful to the rule of law is, according to Upham, "defined by [its] absolute adherence to established legal rules and completely free of the corrupting influences of politics." In other words, it is characterized by formalism and an aversion to politically motivated, or even context-sensitive, decision-making. In his explication of the rule of law, Upham relies principally on American sources. The concept is, he believes, best expressed by the maxim, "The rule of law, not men," a favourite of American politicians and jurists who crusade against judicial activism, notably Supreme Court Justice Antonin Scalia. By this, they mean that the rule of law is "a 'law of rules,' as opposed to a more sloppy law that allows 'men' to influence outcomes."

A confessed critic of the rule of law, who contends that "law is deeply contextual and that it cannot be detached from its social and political environment," Upham attempts to expose the rule of law for what he believes it really is: a myth. Even the legal system of the richest country in the world "is a thoroughly and intentionally politicized institution." The judicial appointment process in the United States ensures that the courts are steeped in partisan politics. Upham's examples on this point are convincing and well-known – so much so that they need not be repeated. His assessment of the rule of law in Japan is – for most Canadian readers – novel and more interesting. He argues that over the past century, as the Japanese economy picked up speed, its formal legal institutions became increasingly irrelevant. Despite population growth, litigation rates dropped. Japan's lawyers numbered just over 7,000 in 1932 and just under 7,000 thirty years later. Upham links this shift to the contemporaneous rise of a powerful class of government bureaucrats who assumed more and more responsibility for regulating the country's economy. Operating largely outside of and unimpaired by the formal legal system, they decided which industries to support, and which companies to favour. In the face of routine administrative deviations from formal rules, it is remarkable how few companies actually sought redress in the courts.

Though Upham's critical discussion of the impact of partisan politics in the US and the rise of a powerful bureaucratic elite in Japan on their respective legal systems is enlighten-

ing, I am unconvinced that it allows him to make any new claims about the fitness of the rule of law standard within the development context. His definition of the rule of law as rigidly formalistic, apolitical, and opposed to consideration of contextual factors – captured by the maxim, "The rule of law, not men" – might ring true with some readers. Nevertheless, it remains one possible interpretation among many. The rule of law, as the Canadian Supreme Court points out in the *Patriation Reference* (1981), is a "highly textured expression." The many interpretations given to it by the Court across different cases evidence its multiple, and perhaps malleable, meanings. In *Roncarelli v. Duplessis*, the rule of law was invoked as a protection against the arbitrary exercise of state power. In the *Manitoba Language Rights Reference* (1984), the rule of law required the Supreme Court to choose legal order over legal chaos. Despite the fact that nearly all of the Manitoba Legislature's statutes had been drafted exclusively in English since 1890, in clear contravention of the *Manitoba Act* of 1870, the rule of law prevented the Supreme Court from immediately striking them all down and leaving the province in a legal vacuum. Upham unquestioningly cleaves to one definition of the rule of law, and fails to consider its range of other meanings.

It is also dubious that Upham's definition of the rule of law, based predominantly on commentary from American jurists discussing the American legal system, is the one shared by the World Bank and other development agencies. Even the little that Upham does quote from World Bank sources sounds more like a call for basic procedural fairness than anything akin to Justice Scalia's legal formalism. While it is true that the World Bank's legal staff did initially distance good governance and the rule of law from politics, it does not follow that development institutions expect developing countries to establish legal systems that are formalistic and apolitical in the sense in which these words are understood in the American context. Good governance and the rule of law, we must not forget, were brought in to fight corruption, not politically-minded judges.

But what, then, does the World Bank mean when it campaigns for and promotes the rule of law? The real problem might be that it offers no clear answer. Like other powerful but vague concepts – such as freedom, democracy, justice, and equality – perhaps the rule of law is useful precisely because it can be deployed without being defined. ■

The foregoing article reflects a discussion which took place in my Law and Poverty class.

Les aventures du Capitaine Corporate America

par Laurence Bich-Carrière (Law II)

Question d'entrevue: où l'on rencontre Maître Oya Sosumi

« Question d'entrevue »

I Will Not Deal With You!

by Brendan Lemire (Law II)

I adore pizza, but nothing could have prepared me for the events that took place following last week's White and Case sponsored Coffee House. Imagine you're one of the 70-something foolish students who embarked upon the second group project in Business Association. For the past week you ate, slept and drank incorporation law according to Van Duzer (more specifically chapters 4-7).

Finally, it was Thursday, the second sponsored Coffee House of the semester. I had been looking forward to this moment for weeks, but the Biz. Ass. Project wasn't over. I still had to send my 10th and final draft of incorporation articles to my group members by 9 p.m. Of course, still being of sound mind and body (that was about to change), my priorities were straight: go to the library after an early afternoon IP class and work, work, work, until Coffee House. I finished said articles, sent them off and arrived at Coffee House twenty minutes late. Normally I'd tell myself, "Job well done son, you still have a life." Rookie mistake! Free food + 300 law students = shit out of luck! Ok, plan B: free beer! Uh oh! I've just been spotted by the young, responsible, charming lady in charge of this whole bingeing soirée. I hear: "Come help us behind the bar." So I promptly go serve drinks for an hour, and watch the remainder of the buffet vanish before my very eyes.

It is now 6 p.m., only an hour and a half remaining of this Romanesque-type gorge. I spend the remainder of my time having quick, but delightful conversations with my three best friends: Moosehead, Carlsberg and McAuslan (a.k.a. Apricot). As you can imagine, time seems to just fly by; it is now 8 p.m. Times up! Disaster! Anyways, I kiss Carlsberg goodbye and head off with a select crew of student colleagues to this crazy kid's place. Now, I haven't eaten all day, been running around serving drinks, so what was a boy to do? PIZZA!

I have Dominos going once, twice, Sol…, oh, I hear Pizza Hut by a man referred to as La Grande Gazelle. "How about Angela's?" coming from a guy hidden by the screen of his pearl white Mac.

Make up your minds kids, I am a large individual! I am dying over here, and by the way, we are about to run out of tooth paste. BOOM! Coup de génie, we'll call Pizza 1 PLUS 1 (McGill's most recommended pizza). It seemed like a no-brainer: good deal (two for the price of one), nearby and we would not be feeding money into evil corporate pizza empires.

So I call, they answer...blah, blah, blah, and all you have to remember is that we ordered two large pepperoni and bacon *no cheese* pizzas. I was 30 to 45 minutes from heaven; little did I know they do evil, nasty things to pizzas over there. An hour later and my stomach is grumbling, but its ok, maybe it was a busy night. Two hours from original placement of order: that's it, breach of contract, loss of pleasure; somebody has to feel my wrath.

Call pizza place back, explain my displeasure with the situation, and demand reparations. I get no sympathy; the man says, "I will not deal with you! Pizza will be there shortly. I will credit you two free drinks." I hang up. Shortly after, the pizza arrives and to our disappointment the crust is the only thing you can recognize from our order. To describe the scene, the room filled with unfed law students was becoming ever so close to resembling an angered frat mob à la Animal House. I call back and ask to speak to the manager. Man answers, "I will not deal with you!"

What? "Listen hear buddy" is my first comment, followed by: "every now and then there are things present that God never intended to sit atop a pizza pie, like cheese. Especially if one is lactose intolerant. Do you understand what eating this cheese would entail?" He asks, "What is on your pizza?" I reply, "It is hard to tell, particularly if you get one of your special combos from the twilight zone. There could be broccoli…how about some squid? Or eel? Topped with *extra cheese*!!!" I followed with, "I want two new free pizzas!" Response: "I will not deal with you. I'll credit you four more drinks, and a five dollar coupon."

I hang up again (I'm getting this déja vue feeling). The right order arrives shortly thereafter. Well, at Pizza 1 PLUS 1 (McGill's most recommended), this is what you will find: the strangest, most incorrect toppings in the world. Yes, pizza from the dark side. So if you are looking for foreign toppings, breached contracts and long delays, as well as credited drinks in case of error, I highly recommend this place. But the next time I want a typical pizza experience, sorry to say I will stick to Dominos because I will not deal with them! ■

Homecoming Week in Review

by Andrés Drew (Law III) and Kara Morris (Law II)

Homecoming Weekend is about celebrating the past with alumni, family and friends, as well as looking forward to the future of this great institution.

Thursday

The LSA has been working closely with Alumni Developers at the Faculty to ensure that the knowledge and experience of recent alumni can be shared with current students and that graduates can re-live the experience of rushing up the hill on Thursday evenings only to crawl home from Thompson House late at night.

The Young Alumni Coffee House was very well attended. In fact the 25+ Alumni outlasted many of the students. After closing the C-H bar the instinct to keep "partying on" kicked in as expected. Thompson House was the next location on the Crawl, followed by a variety of Irish Pubs within walking distance of the Faculty.

The LSA would like to thank Tania Chugani, an indispensable part of the Alumni Development Team, for organizing such a successful event.

Friday

The pieces of an important project came together on Friday September 30th. Earlier in the week, the Board of Governors approved the creation of the multi-disciplinary McGill Center for Human Rights and Legal Pluralism, based at the Faculty of Law. With the generous 3 million dollar endowment from former LSA President, David O'Brien, one of the most generous fellowship programs for LLM and PHD students has been created for the study of Human Rights in North America.

In addition to the synergy of the O'Brien Fellowships and the creation of the Center for Human Rights and Legal Pluralism is the announcement by the Federal Government of a Canada Research Chair in this area. The existence of two Canada Research Chairs at a Faculty of our size recognizes the quality of legal research undertaken at McGill.

Saturday

A bright clear day dawned for the annual outing against the medical faculty at the Malpractice Cup. Law students were ready to show medicine the right stuff on the trivia board and made a valiant attempt to overcome superior forces in the tug-of-war contest. Trivia went our way, building on our repeated success at Law Games in academics over the past three years, but our feet slid from under us as the medical students organized to out-pull our tug-of-warriors. The competition calmed down during the barbeque lunch, and the faculties got to know each other a little better. Next came the real challenges: Ultimate Frisbee and Dodgeball. Ultimate was a decidedly close game, ending in a disappointing sudden-death loss for the law faculty. Hackles were raised on certain foul calls. On the dodgeball court, law once again battled superior numbers. The games split one game each law and medicine. The final winner was decided in a free-for-all tiebreaker, which unfortunately went to the 50-strong medicine team. By this point in the day tempers were rising, just in time for soccer and touch football to begin. Touch football saw two simultaneous games – with one going to law and the other going to medicine. Soccer saw the law team to an early lead bolstered by fast feet and fabulous teamwork. Some unexpected pushing and harsh words late in the game threatened to put an early end to the match, but cooler heads prevailed and the game ended in a well-played 3-2 Law victory. The day wrapped up with the Malpractice cup awarded to Medicine on the strength of dodgeball, tug of war and ultimate. Many thanks to Me Farrell who cheered us on for the entire day, and Dean Kasirer for his support.

Across campus at Molson Stadium, the McGill Redmen Football team suffered a disappointing Homecoming defeat in a 42-34 loss against Sherbrooke. It just wasn't our day.

We concluded Saturday with a grand party at Coco Bongo's on St. Laurent. Beverages were cheap and fun was had by all who attended.

Thank-you to all who made homecoming weekend special. See you next year. ■

Big Ideas, Mini Courses

by Jeff Roberts (Alumnus I)

This October, McGill will begin laying down the law to hundreds of people in the Montreal community. For eight weeks in the fall, the Moot Court will be hosting a series of lectures known as Mini-Law. Modeled after its wildly successful counter-part in the Faculty of Medicine, Mini-Law represents an opportunity for the general public to hear top scholars speak on a range of legal topics, such as family law, contracts and human rights.

"We're really looking at this as an outreach venture," says Rosalie Jukier, who is one of the organizers and an associate dean in the Faculty of Law. "Community outreach has long been one of the missions of a university and one of the goals of our faculty."

Participants can look forward to eight evenings that will feature refreshments, question-and-answer sessions and an opportunity to meet and listen to some of Canada's most prominent legal scholars. Among those speaking will be the dean of the faculty, Nicholas Kasirer, and his predecessors, professors Stephen Toope and Rod Macdonald. A place in Mini-Law is available for only a nominal fee, and a portion of the available seats will be reserved for seniors and high-school and CEGEP students.

Organizers anticipate that marketing the event will be no trouble. "Our problem will be filling it too fast," predicts Jukier. "The word is out somehow, and we're getting calls already."

The genesis of Mini-Law came about in the dining room of Kappy Flanders, a member of the school's Board of Governors. A dinner party hosted by Flanders brought together Dean Kasirer and his counterpart in the Faculty of Medicine, Abraham Fuks. During the course of the evening, conversation turned to the success of Mini-Med and, as Flanders explains, "pretty soon people were throwing out titles" regarding a lecture series in the Faculty of Law.

It was Flanders who first brought to McGill the idea for a series of medical lectures directed at the community. Hearing of the concept while visiting Ireland six years ago, she made further inquiries and learned that it was started in Colorado by a McGill alumnus and has been spreading to numerous American locales by means of a manual ("Americans do everything with manuals").

Flanders has a snappy sense of humour and a touch of pepper on her tongue, and one suspects that she had little trouble persuading McGill to create a Mini-Med of its own. The first series of lectures enjoyed roaring popularity and has since produced over 1,900 "graduates" of every description, including the spouses of Principals Shapiro and Munroe-Blum, and "crazy people who arrive at 4:30 for a 6:30 lecture."

The inaugural Mini-Law series will be offered on consecutive Thursday evenings, and will take place on a corresponding time-line to the Wednesday night Mini-Meds, which will be entering their fifth year. Expectations are high, and Jukier and her colleagues are looking forward to the culmination of a planning stage that has entailed "enormous energy, time and imagination." Her efforts are enjoying the support of the McGill Alumni Association as well as that of Davies Ward Phillips and Vineberg, a Montreal law firm.

Flanders too carries a sense of anticipation regarding Mini-Law. She declares that she is looking forward to this new opportunity to bridge the "separation of town and gown" through a project that's both "a good outreach proposition for McGill and a good community builder."

You can volunteer for the following dates: Oct 26, November 2, 9, 16, 23 and December 7.

The Volunteer Instructions are the following:

1 - Arrive in the lobby outside the Moot Court by 6:00p.m.on your designated date

2 – 6:00 to 6:30p.m. - Act as "greeters" and be a presence among the participants . Direct people to the Moot Court.

3 – 6:30 to 7:30p.m. Volunteers are welcome to join the audience for the lecture

4 – 7:30 to 8:00p.m - Collect Question and Answer cards during the Q and A period

5 – 8:00p.m. - Collect the evaluation forms at the conclusion of the lectures

Want to volunteer for the upcoming Mini-Law series? Phone 398-7276 or email mini.law@mcgill.ca. ■

This article appeared in the McGill Reporter, *February 24, 2005.*

FATHER KNOWS BEST:
Examining the Libertarian Paternalism Approach to Poverty

by Lindsay Aagaard (Law II)

You have a ninety percent chance of beating your illness if you take this treatment," says a doctor trying to encourage a patient to opt for a certain treatment option.

"Unfortunately, you will have a one-in-ten chance of dying if you take this treatment," says another doctor trying to discourage a patient from undergoing the same treatment.

"You have been automatically enrolled in a savings program. If you wish to opt out, please fill in form A and return to this address," says an employer hoping to encourage saving amongst her employees.

"Should you wish to enrol in our savings program, please fill out for A and return to this address," says an employer who doesn't have any aspirations for her employees' savings accounts.

Which sounds better: a ninety percent chance of living, or one-in-ten chance of not? Do you have different reactions to choices phrased in ratios rather than percentages? Would a default rule influence your choice about saving for the future?

In "*Libertarian Paternalism is not an Oxymoron*" Cass Sunstein and Richard Thaler argue that evidence from behavioural psychology shows that by framing options in certain ways, by creating default participation rules and by employing several other more subtle techniques policy creators can have an enormous impact on the choices citizens make.

Furthermore, Sunstein and Thaler argue that this reality – one in which the choices made by individuals are strongly influenced by the environment in which they are made – is one that both public and private institutions should be making better use of. A mix of paternalism and freedom of choice leads to the "libertarian paternalism" that Sunstein and Thaler contend should be employed by policy creators. That is, policy makers should be thinking of how to direct individual behaviour in ways that maximize individual welfare, a trick of special importance given that Sunstein and Thaler argue that individual choices are often ill-informed.

Generally, how might we be expected to react to the idea of libertarian paternalism within our institutions? Most people have strong reactions to the thought of being somewhat covertly directed by either government or private enterprise. Perhaps that is why Sunstein and Thaler urge readers to rid themselves of any pejorative connotations they might have with both "libertarian" and "paternalism," a step they say is essential before we can properly view their "libertarian paternalism" as a neutral policy tool.

Nevertheless, our opinions and sentiments about public and private institutions make this a difficult task. For instance, trust in government makes a great deal of difference to how much paternalism we are willing to accept. If we do not believe that the government is capable of holding citizens' interests above all else, we cannot be expected to welcome paternalism from our leaders or bureaucrats. On the other hand, if we do think that politicians and civil servants generally do work diligently for the public good, we might be less suspicious of the choices they put to us, be they in the form of savings incentives or whatever else. Indeed, we might even view paternalistic governmental practices as much safer than those employed by private companies, for at least with a government we "the people" have control over who makes the decisions to guide our behaviour.

Sunstein and Thaler's article provokes discussion on many other issues as well. For example, how can we know for sure which framing methods will work and which won't? Some would criticize survey methods and experiments relied on by Sunstein and Thaler, as surveys can easily contain seemingly inherent weaknesses given their natural emphasis on quantitative analysis. On another note, what happens if we start to think of libertarian paternalism in relation to policies concerned with collective, societal welfare and not simply the individual welfare considered by Sunstein and Thaler?

While many policy issues can be debated while contemplating the use of libertarian paternalism, one that is sure to provoke ample discussion is that of poverty.

To begin with, when dealing specifically with the issue of poverty, the word "paternalism" is ▸

particularly evocative. Restraints on how individuals receiving government assistance can spend their money, workfare programs designed to foster skills not necessarily desired by the individuals involved, the specific struggles of women living in poverty and a whole additional range of mandatory visits and expected explanations are only a few of the ways in which the concept of "paternalism" alone can be explored within the context of poverty.

But simple paternalism aside, the idea of "libertarian paternalism" brings forth separate issues of its own accord. For instance, Sunstein and Thaler's analysis concentrates essentially on individual economic welfare and, furthermore, the authors assume that the end results encouraged by policy creators – the outcomes theoretically best for individual welfare – are those that will benefit all individuals in the same way.

Yet we know that all individuals do not have the luxury of exercising the same choices, regardless of how they are "framed". Individual circumstances vary considerably, meaning that the "welfare maximizing option" should be radically different from one person to the next in any analysis that uses economics as a benchmark for well-being. While default retirement programs designed to encourage savings may indeed accrue enormous long-term benefits, it may actually be better for the welfare of some individuals *not* to save, as any money earned is needed immediately. Certainly not everyone has the flexibility to accommodate savings plans or higher insurance premiums, even though these options may provide for future security. Pay the rent today or save for tomorrow? Undoubtedly the former is truly the "welfare maximizing option" for many people, but one that is not recognized as such by any scheme proposed by Sunstein and Thaler.

Nevertheless, Sunstein and Thaler's framework could be employed in a more constructive way, a way more sensitive to poverty issues. Libertarian paternalism and its accompanying emphasis on framing effects and default options could perhaps encourage policy creators to be aware of the importance of ensuring that options given to individuals in a variety of institutional settings appear as open and accessible as possible. For example, if policy creators wish to encourage certain "behaviours" such as the participation in higher education, the bureaucracy behind bursaries, student loans and many grants should be as simple and straightforward as possible.

I know that the next time I am faced with what appear to be straightforward options from employers, tax forms, doctors or even restaurant menus I won't be able to help thinking a little more about why I am inclined to choose one option over the other. Is it because of the phrasing? The order of the options? What those around me are picking? More seriously though, it seems that libertarian paternalism of the kind espoused by Sunstein and Thaler is neither inherently negative nor even remotely radical. If employed by policy creators as envisioned, individual choice is preserved and ideally guided by well-intentioned souls. It is an idea that usually evokes strong reaction of some sort given natural associations with both the words "libertarian" and "paternalism", and it is an idea worth exploring in relation to many different policy areas, most certainly those allied with poverty issues. ■

The foregoing reflects a discussion that took place in my Law and Poverty class and concerns the article: Cass R. Sunstein and Richard H Thaler, "Libertarian Paternalism Is Not an Oxymoron" (2003) 70 U. Chi. L. Rev. 1159.

LSA Takes Over Airwaves

Tune in to CKUT 90.3 FM on Friday October 21 at 11:30am for another episode of LegalEase.

Our guests this week are members of the Law Students Association/l'Association des Étudiants et Étudiantes en Droit.

They'll be answering your questions, sharing their accomplishments and outlining their commitment to tackling our concerns at the Faculty of Law.

E-mail LegalEase with your comments and questions for the LSA -- kate.zavitz@mail.mcgill.ca

Balancing Poverty: First Nations Responses

by Maegan Hough (Law II)

Earlier this fall Sandra Lovelace Nichols was appointed to the Senate in recognition of her contribution to the struggle for the rights of First Nations women and children in Canada. Her case and her life are part of a long history in Canada of neglect, misunderstanding and contradiction that characterizes the government's response to the problems faced by the country's aboriginal population.

Chief among the many sources of this disparity are the numbered treaties signed in the 1800s. Negotiated in what many now consider to be "bad faith", these treaties stripped the First Nations of their land in exchange for reserves, some medical supplies and, in the case of Treaty Six, five dollars per year per person. Jean Allard, in a recent article about the Plains Indians and the signing of Treaty Six, proposed changing the interpretation of the treaties so that, like the medical supplies and social services, the individual treaty money would be modernized. This would entitle the Treaty Six Indians to approximately *five thousand* dollars a year, enough that, in Allard's view, they would have economic power and would be considered consumers or customers to be courted. While Allard believes that a bureaucracy as well entrenched as this is impossible to destroy, others have chosen to fight the system from within.

The many proposals for changes to the Indian Act in the intervening century have been controversial and in some cases have been linked to the very concept of Canada as a nation. For example, the 1969 "thunderclap" occurred because the Federal government proposed a phasing-out of the Indian Act, removing the special set of rules that govern the First Nations because they were considered discriminatory and had no place in Pierre Trudeau's "Just Society". The government's surprise at the outrage of First Nations communities halted the plan but did not lead to any new plan, even after Canada was criticized during a United Nations debate over the treatment of the First Nations.

The UN thus provides an interesting comparison to the Trudeau model of individual rights. The International Covenant on Civil and Political Rights (ICCPR), in force in Canada, would be consistent with Trudeau's vision while the International Covenant on Economic, Social and Cultural Rights (ICESCR) is more in line with the group rights approach taken by the First Nations. It was in fact the UN, in a case heard under the optional protocol for the ICCPR, that declared that Sandra Lovelace had been denied her legal right to reside with her people. Canada had thus breached Article 27 of the ICCPR which states: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

Lovelace had lost her status as an Indian under the Indian Act and consequently her right to live on her band's reserve by marrying a non-aboriginal. When her marriage broke down Lovelace moved back to her family where she had no legal right to live. She lived under threat of being thrown off the reserve, though it was described by the UN Human Rights Committee as the place where she had her closest cultural ties. Lovelace ▸

Hey you with that can or bottle! Walk those extra few steps past the garbage to the recycling bin and prove you're smart enough for both law school and recycling!

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won her case and secured rights for First Nations women across Canada that would help them support their children in both economic and cultural terms. This is more consistent with the group rights approach and the ICESCR which protects a standard of living (Article 11), mental health (Article 12) and the right to take part in a cultural life (Article 15.1a) and for the full realization of that right through the development and diffusion of culture (Article 15.2). The ICESCR and the ICCPR could thus contribute to international influence for a change in policy regarding the First Nations of Canada but despite such landmark cases as Sandra Lovelace's they have had limited effects. Poverty as well as culture are still major issues in the First Nations community today for members living both on the reserves are Sandra Lovelace fought to do, and for those choosing to live off reserve.

The issue of group rights is not new to Canadians. In fact, the 1969 White Paper tabled by the Trudeau government was compared to the 1838 Durham Report that counselled a policy described as extinction by assimilation. The Meech Lake Accord, which was to recognize the group rights of a culturally and linguistically distinct Quebec, failed to be ratified in part because it failed to recognize the similar rights of aboriginal peoples. Is the issue then a question of representation? Could or should we create First Nations electoral districts and assure specific representation in federal and/or provincial parliaments? We then are again faced with the definition of "Indian" being a construct of the government and of the Treaty process, leading often to the problem of "frozen" identities and frozen rights.

Perhaps the problem then is not best addressed as an "Indian" problem but as an "education" problem or as a "housing" problem. The framing of the issue in less racial and also more specific terms may be the best way to mobilize the resources necessary to ensure that not only all First Nations peoples but all immigrants, all children and all workers are housed and have access to adequate education and nutritious food. This pragmatic approach certainly would help with the physical necessities of First Nations but unless administered carefully again runs the risk of assimilating social rights with economic class. Failing to recognize the history and culture that are essential to strong, vibrant communities would deny First Nations people the support of their own communities. First Nations in Canada today are faced with many problems but the problem of poverty blocks advances in many other areas such as education and even cultural development and must be addressed quickly. ■

The forgoing article reflects a discussion which took place in the Law and Poverty class.

THE SQUARE:

An Outsider's Look on Life in the Hippest City in Canada

by Nicholas Dodd (Law I)

Perhaps some of you may, when musing about life, the universe and everything, have wondered about what would happen if down-home, true roots, Alberta country music were to come to Montreal. Well, maybe you've never puzzled over this wildly hypothetical set of events. Neither had I to be honest, until last week when I discovered, much to my excitement, that a country artist from the province whence I came would be bringing his musical stylings to a fall Friday night in Montreal.

Corb Lund and the Hurtin' Albertans had the urbanites and hipsters two-stepping and yee-hawing the night away. Perhaps it is just part of living in a big, diverse city that you can attract an audience to almost anything, but I must admit I was surprised at the size and enthusiasm of the crowd. You may not believe it, but overalls and cowboy hats mixed quite well with thick-rimmed glasses and smart-ass t-shirts. For those of you who had dismissed country music as generally uninspiring, corporate and mostly tasteless (as I myself have been known to loudly proclaim after a few drinks) this show may have gone a long way towards changing your mind. Then again, that could be the beer talking…

In other news, I remain excited for the fall fashion parade that we will all be subject to over the coming weeks. I had just put my finger on what it means to dress like a student in Montreal: mostly it means listening to an iPod at all times (those white earphones are everywhere). For females, merely add sunglasses that cover no less that 60% of your face and voilà, you're in business. Then the season changes and my attempt to read the fashion zeitgeist gets completely torpedoed. Fall is here, winter not far behind, and now we have to try and stay warm while hauling our books and groceries through the streets, as well as when traveling to and from our social events (although generally I find myself nearly impervious to cold when returning from said events - weird). Will Montrealers sacrifice warmth for style? Or will they somehow manage to pull off both at the same time? I feel the answer may be the latter, because if no one in *this* city can do minus forty in style, then no one can!

And now for the random observation of the week! I realize I mark myself as a complete, well for lack of a better word, square, by remarking on this, but St. Laurent may be the oddest 'main' drag of anywhere in the world. It takes a healthy serving of boutique fashion stores, a sprinkling of seedy pubs, a dab of strip clubs, a few measures of classy restaurants and combines these ingredients with numerous cheap, excellent eateries, a couple of used record stores and tops it all off (and this is my favorite part) with an empty lot full of headstones. The overall effect is aided by the ubiquitous graffiti and can only be described as a beautiful accident. Imagine for one moment, if you would, relocating this street to somewhere in Manhattan – only then does its truly crazy nature get thrown into relief. I realize you jaded natives out there cannot wait for the destruction of my idealism about such Montreal quirks – I'll keep you updated. Until next time study hard, play harder, and start thinking about your Halloween duds – I have dibs on John Roberts (really, what could be creepier than that guy??). ■

Chico Wins Second Straight

by Michael Hazan (Law IV)

Last Sunday, Chico Resch won its second consecutive game with a 4-1 victory over archrival Pines Power. It was a big win for the boys in blue as they began the season on the right track and made sure Pines Power remained in the 'B' division cellar.

Sunday's match did not start well as several Chico players were late to get on the ice and the team failed to get a proper rhythm going. Team Captain Casey Leggett said he will definitely look into whether there was any violation of team curfew and consumption policies Saturday night but doubts any fines or suspensions will be handed out. Leggett also added that injured players David Lametti (Leg), Steve Lowe (Acting bug) and Geoff Conrad (Flu) should be back in the lineup soon.

Midway through the first period Chico was forced to go the rest of the way with only 3 defenseman as Ian "Oscar the Grouch" Osellame left the ice voluntarily after receiving a 10-minute misconduct penalty for jawing at the referee. The team missed Osellame's presence especially on the penalty kill where Pines Power scored their only goal to take the lead.

Down 1-0, Chico did not give up as Leggett snuck by the Power defenseman and rifled a low shot behind the goalie for his first goal of the year. Chico got a break when Pines Power received a minor for bench interference with 7 minutes to play. Still reeling from his omission from the last Chico article, returning defenseman Nathaniel Brand picked up a pass at the red-line, out-skated a couple of Power defenders and lifted a backhand into the net for the game-winning goal. "I felt I had something to prove, I know I didn't have a good training camp but I belong on this team," said Brand after the game. Brand didn't know if he had made the cut or not and even had LSA President Andres "Berlusconi" Drew make a call on his behalf to the powers that be.

The team buckled down defensively to eliminate any possible comeback attempt and Leggett and Brand each added empty-net goals to seal the victory. The all-rookie line of Bob Moore, Will Darling and Frédéric Desmarais hustled the entire game and proved that they will be a force to be reckoned with this season. Faculty pariah Marc Purdon was speechless after the game and left the rink without talking to the press.

Chico's next game is Sunday, October 16 at 7pm against NFC at the McConnell Arena. ■

Louis-Philippe Pigeon - The Very Singular Law Professor

by Prof. William Tetley

One of the great experiences of students at Laval University Law Faculty in the 40's and 50's was to study constitutional law under professor Louis-Philippe Pigeon, a famous practitioner in and out of court and eventually a judge of the Supreme Court of Canada. I had studied constitutional law under renowned Professor Frank R. Scott at McGill in first year law and then had transferred to Laval for second year where I took constitutional law all over again, but with Prof. Pigeon. Both Scott and Pigeon were towering figures but whereas Scott was open to discussion and debate, albeit on his terms, no one ever dared ask Pigeon a question, until someone had the temerity to do so.

It was a hot day and we sat packed together in rows in a small room, with the windows closed. Someone, either Jean Bienvenue (later a Quebec Cabinet Minister and Judge of the Superior Court) or Philippe Casgrain (later senior partner of the giant national law firm of Fraser Miller Casgrain) or Gaby Lapointe (flamboyant and very effective criminal lawyer) put his hand up to ask a question. We all drew in our breath at such audacity and Pigeon was also very surprised. Finally Pigeon said "oui" in his very high pitched voice and the student said "puis-je poser une question?" Pigeon reflected and said "oui" and the student said "Puis-je ouvrir la fenêtre?" Pigeon reflected again and said "non" and that was the end of Prof. Pigeon's version of the Socratic method for the day.

The next day the same student raised his hand. We students were doubly astounded and Pigeon ▸

delayed, being himself quite suspicious. Eventually he said "oui" and the student asked "Puis-je réitérer ma question de hier?" Pigeon replied "non" in his high pitched voice and that was the beginning and end of Pigeon's Socratic method for the year and no doubt thereafter.

Pigeon was indirectly instrumental in René Lévesque not completing his third year of law. Lévesque, the inveterate smoker as he was when he was Prime Minister of Quebec, was caught smoking in class by Pigeon and refused to apologize as required by the Law Faculty. Lévesque never went back to law school, being more attracted to journalism. *"Listen, I'm not interested in passing those exams, because I'll never practice. All I want to do in life is to write, nothing else."*

Pigeon was a lawyer of the old school – a generalist who also had a specialist's knowledge of many, many subjects, who could go into court and plead on either side of any dispute under the Civil Code, the Municipal Code, the Labour Code and the Constitution. Once I was in Vice-Dean Guy Hudon's office, (he was the only permanent professor at Laval) when he learned that the professor of civil procedure would be absent. At that moment Pigeon came in, after completing his constitutional law lecture and Hudon asked Pigeon to act as a replacement. Pigeon nodded assent, asked what article of the Code of Procedure we were at, took Hudon's copy of the Code and then entered the class to give a masterful lecture.

Hudon, a Conservative and adviser to Prime Minister Duplessis, was a rival of Pigeon, who was a Liberal and the adviser to Adelard Godbout, the Liberal Leader of the Opposition. During question period in the National Assembly (then known as the Legislative Assembly) Hudon would stand behind the green curtain on the left side of the Speaker's Chair and advise Duplessis, when a particular question of the Opposition was difficult. Pigeon stood behind the same curtain on the other side and fed questions and advice to Godbout. When the question period was over, the two adversaries - Hudon and Pigeon - would walk out arm-in-arm, complaining audibly about the state of politics and politicians.

Pigeon, as a lawyer, was also an author of erudite, beautifully written, law review quality articles, and witnessed his paper presented at the Annual Meeting of The Canadian Bar Association at Quebec City in 1960. It was entitled "Some Badly Needed Bankruptcy Reforms", which makes sense even today. His opus, however, was his series of lectures to civil servants, which was turned into a pamphlet, "Rédaction et Interprétation des Lois" in 1965 and then a book. Like him, the text is a masterpiece of concision, accuracy and relentless good sense but given, without any doubts or concessions. Will there ever be another L.-P. Pigeon? ■

William Tetley, Q.C., was a Liberal Member of the Quebec National Assembly and Minister in the Bourassa government from 1970 - 1976. He is presently a professor of the McGill Law Faculty and Counsel to Langlois Kronström Desjardins.)
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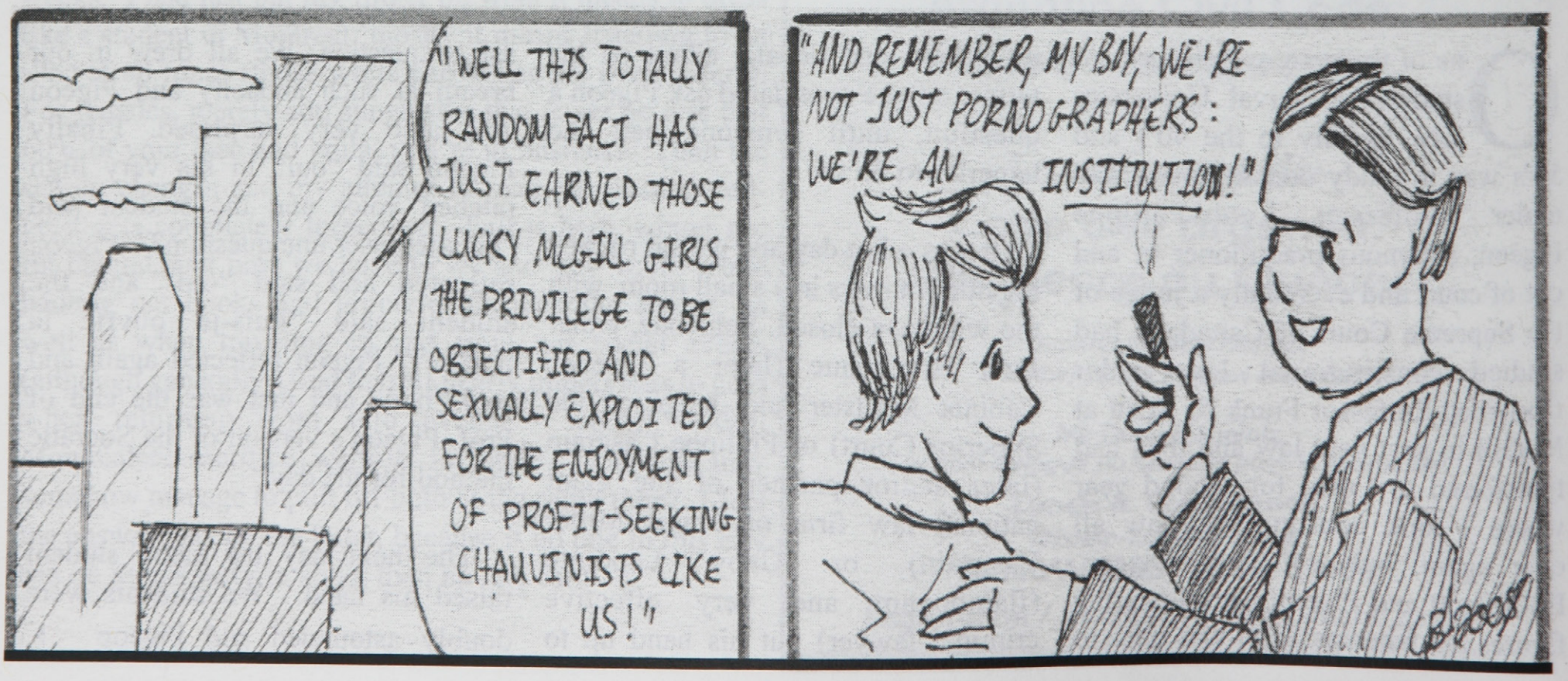

The Happy Melanesian Fallacy

by Julien Morissette (Law II)

While I was in Vanuatu this past summer, I met Catherine Sparks, the local manager of CUSO (formerly Canadian Universities Service Overseas). She had lived in Vanuatu for several years and previously, a few years in Papua New Guinea. Undoubtedly, she knew Melanesia – the string of islands from West Papua (part of Indonesia) to New Caledonia - well.

Talking to her, I very quickly asked myself whether knowledge removes perspective. She made the following statement, very self-assured: "If wealth were to be measured by leisure, Melanesians would be the richest people in the world."

We all know the cliché: a simple family, on a far away island, speaking a seemingly exotic language, living in a palm hut off nature's bounty. But let us get less romantic and more factual, and test Sparks's hypothesis.

The average Melanesian today is a subsistence farmer. From my own observations in rural Vanuatu, adults will work the fields about 4 hours a day, which is sufficient to keep production going. This goes on 6 days a week (Sunday being a day of rest), 51 weeks per year. The average Westerner, by contrast, works in a cubicle, an average of 8.5 hours a day, 5 days per week, 48 weeks per year.

Doing quick calculations, this means that the average Melanesian works 1224 hours per year and the average Westerner 2040 hours per year. At this stage, it seems that Sparks is correct, at least making the reasonable assumptions that one hour of leisure in Melanesia is worth one hour of leisure in the West and that the work is equally difficult, albeit for different reasons (physical in Melanesia and intellectual in the West).

Based on my rough calculations, average life expectancy at birth in Melanesia is currently about 60 years. It is higher (around 67) in Vanuatu and the Solomon Islands, but lower in Papua New Guinea (around 57), which is by far the most populated of the three. In the West, again according to my rough calculations, average life expectancy at birth is currently about 78 years.

In Melanesia, there is no social safety net beyond the family. Therefore, one is expected to work from approximately age 15 until being unable to do so, which is generally not long before death as healthcare is underdeveloped. Therefore, the average Melanesian will have a working life of about 45 years, or 55,080 hours using the calculations above. In the West, where retirement schemes are common, the average person will enter the workforce at about age 22, and exit at about age 62. Using once again the numbers above, the average Westerner will work 81,600 hours in his or her 40 year working life. Once again, Sparks appears to be correct.

The fallacy only becomes apparent when one tries to calculate hours of leisure, as opposed to hours of work. A 60-year life in Melanesia will comprise 525,600 hours. A 78-year life in the West, 683,280 hours. Deducing the respective hours of work calculated above, this leaves 470,520 of leisure for the average Melanesian and 601,680 for the average Westerner.

Let us now assume that schooling is also 'work'. Both in Melanesia and in the West, schools are open about 7 hours a day, 5 days a week, 32 weeks a year. However, Melanesians go to school for about 4 years on average and Westerners, 12 years. This adds 4,480 hours of 'work' for the average Melanesian and 13,440 for the average Westerner. Even after this correction, the average Melanesian has 466,040 hours of leisure and the average Westerner, 588,240.

Using percentages and the numbers immediately above, 88.7% of a Melanesian's life is leisure and so is 86.1% of a Westerner's life. But this gives value only to relative time and not absolute time.

It would be interesting to do a survey which would ask how many people are willing to work 2.6% more of their lives in order to have 122,200 more hours (13.95 years) of leisure. I think an overwhelming majority would agree, even in Melanesia where the concept of time may be less 'linear' than in the West.

It is true that welfare economics is a tricky discipline, models relying heavily on underlying assumptions. Nevertheless, in this case, a vastly different conclusion is hard to reach. Catherine Sparks was wrong and the 'happy Melanesian' is just another appealing fallacy. Even if wealth were to be measured by leisure, Melanesians are not the richest people in the world. ■

An Excerpt from "Law and Poverty"

by Laurie McQueen (Law II)

Imagine that you go to a major department store to buy a washing machine and dryer as a matter of need and not convenience. The machines cost $1500. The store offers you the possibility to buy them with their card for only $36 a month. Given the fact that money is tight, this is a timely offer and you accept. In paying the $36, would you be inclined to believe that some of that money is going towards the interest? Would a reasonable person think otherwise? In reality at an annual rate of 28.8%, which is what most department store cards charge, you would have to pay a minimum of $36 a month just to pay off the interest, assuming you are never late for a payment. So for $432 you can "rent" the machines for the rest of your life.

This scenario raises a few concerns. First is the interest rate itself. How do we feel, for instance, about the fact that TD charges 18.5% on their student visa when their advertised prime rate is only 4.5% and interest paid by TD on a 1 year deposit is only 1.7%? Second is the quality of information provided to buyers. Are consumers actually being tricked by trained sales persons? The third issue, which is much larger in scope and unapparent on the face of the above scenario, is the role of credit rating agencies as catalysts for increased borrowing in our society.

On the first concern, highly diverging opinions were expressed in class as to whether or not it is okay for high interest rates to be charged if the market will bear it. Whatever we think, the Superior Court of Quebec in 2004 concluded that 28.8% was okay, having found in a class action against The Bay that their 28.8% interest rate was acceptable, given that The Bay's customer base was of greater risk which resulted in higher collection costs and write-offs due to bankruptcies.

The second concern dealing with what a reasonable person might be led to believe and the level of transparent disclosure provided some interesting antidotes. One student shared her experience working in a gym selling financed memberships. Employees were trained in strategic sessions on how to maximize sales by getting customers to sign into 12 month agreements in which things like "the first month free" meant not that you would pay 11 months out of 12 but rather that the first payment of 12 would simply be deferred for 30 days! The point, which was well-made, is that the assumption that abusive credit-users are simply educated people making bad choices is a short-sighted one. In fact, you need to be cynical and suspicious of every offer you receive - "Trop bon, trop con", as they say in France. Another person talked about how, when she asked several different car dealers to explain certain charges and to give her the actual cost of her potential purchase, she was met with indignation from each car salesman as if what she was asking them was just downright offensive. Perhaps this is some special car-dealer technique meant to scare or embarrass you into signing.

This brings me to the last concern regarding credit-reporting agencies. Take the car example above. If you shop around to buy on credit each time you negotiate the dealership "pulls" your credit report. Imagine that visit 6 different dealers before you conclude your deal. The next month you are so happy with your new car that you decide to offer yourself a vacation. However you made some extra purchases for your new car and your visa is maxed forcing you to ask your bank to increase your credit limit. The bank also "pulls" your credit report. DENIED! What on earth....??? See, their sophisticated risk-based management system takes into account that statistically more than 6 inquiries in the last 6 months means you are high risk, multiple inquiries being an indication that you are collecting new credit. The result is that unbeknownst to you, your comparative car shopping negatively affected your credit score! This matters in a society where credit reports play a major role and are often essential in determining whether or not we can access certain services. What is especially interesting is that consumer credit reporting exists mainly in Canada and the U.S.; excluding England, credit reporting agencies are virtually unknown to European consumers. As a result they have never heard of a pre-approved credit card offer in the mail. They have never been targeted by a high-rate lender who knows they are running their cards at their max and they have never had the limit on the Visa increased automatically for being such a loyal customer. In fact, the Visas in their wallets are most likely to be nothing more than a direct debit card operating through Visa, givimg the cardholder Visa's advantages without the ▸

credit. All because creditors cannot look into their personal credit history to see how they have behaved over time. These profit-making businesses that collect and distribute our credit information are assisting the banks in making huge increases in outstanding consumer debt by using sophisticated marketing segmentations that are geared to target segments that are "ripe for the picking". A bright and creative student can probably anticipate what is actually going to get him or her into financial trouble. However, lots of people in our society lack the experience, the time, or the means to pick apart that offer and check it for hidden traps. Perhaps what is even more important is that many people do not even have access to better options to pay for the washer and dryer. It would seem short-sighted to suggest that The Bay's high charge-off rate is because they lend money to people with a lesser sense of obligation to pay their debts.

One student challenged me with the question about what I would do if I were in a position to deal directly with these policy issues. In the interest of keeping the debate alive, I will go ahead and state them. First, I would fix platforms for interest rates that permit lenders to make a fair profit without fleecing the public. Second, I would heavily regulate the credit reporting agencies including the quality of the information they report, the freedom in which they pass on that information without consumers' knowledge to creditors and a requirement that the free copy of our credit-report, to which we are legally entitled, be automatically sent out rather than offering it to us for $21.95 over the internet. Lastly, I would come down very hard on dishonest, misleading lending practices. I would require Denning's red hand in flashing neon pasted on the forehead of each and every sales person selling something on credit to offset the power of their "read my lips".

One last word, don't forget to check your credit report (don't worry, that doesn't qualify as an "inquiry"). But just so you know, in case of any errors, the burden of proof can ultimately fall to you, the debtor! ■

The foregoing article is reflective of the discussion held on October 13th in my Law and Poverty class concerning some of the challenges for consumers in avoiding excessive debt and, eventually, bankruptcy.

Cooking the Books: Soup-oena

by Lindsey Miller (Law IV)

This dish is best 'served' warm by your friendly neighbourhood bailiff, 'writ' a side of crusty bread and salad. When the plummeting temperatures are enough to make you swear (an oath), whip up some of this hearty soup and your troubles will be dismissed. Also good 'overturned' on fresh ravioli.

1 medium butternut squash
1/2 cup/175 mL water
2 cans vegetable or chicken broth
ground black pepper, to taste
1 red bell pepper, optional
1 can tomato paste
1-2 cloves garlic, minced
1 tsp /5 mL dried oregano
1/2 tsp./2.5 mL dried parsley

Peel and seed squash. Cut into 2-cm pieces. If adding pepper, seed and cut into 2-cm pieces. Combine squash, water, broth, bell pepper (if using) and black pepper in a large pot or Dutch oven. Cook, covered, over medium heat for about 20 minutes, until squash is tender. Transfer in one-cup increments to a blender or food processor and process until smooth. Caution: let cool before blending, or leave a gap for hot air to escape, otherwise you may be wearing the soup.

Return blended mixture to pot and bring to a boil. Stir in remaining ingredients. Fill the tomato paste can with water and add it to the soup. Let simmer, uncovered, for about 5 minutes.

While it won't make enough to serve a grand jury, this recipe will serve four generously. It's so tasty you won't have to serve it *duces tecum*. ■

WIN TICKETS TO SEE THE CANADIENS

We have a pair of tickets (valued at $135 each) to see the Habs play the New York Islanders this Saturday, October 22. They can be yours if you successfully complete this quiz and submit the answers to us by Thursday at 9:00 p.m. All entries will be entered into a draw and the winner contacted by e-mail on Friday morning.

Send your answers to quid.law@mcgill.ca by 9:00 p.m. Thursday to win!

1. Why are the Montreal Canadians called the 'Habs'?

2. Which of these designers has a store in New York, but not in Montreal?

(A) Betsey Johnson

(B) Gianni Versace

(C) BCBC

(D) DKNY

3. What is the driving distance between Montreal and New York (nearest 100 km)?

5. How many more boroughs does Montreal currently have than New York?

6. Which of the following firms does not have an office in New York?

(A) Clifford Chance

(B) Davies Ward Phillips & Vineberg

(C) Faskin Martineau DuMoulin

(D) Halliwells

(E) McCarthy Tetrault

7. Which team will you cheer for at Saturday night's hockey game – the Canadiens, or the Islanders?